

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

HAROLD A. JOHNSON,

Petitioner,

Case No. 2:12-cv-26

v.

Honorable R. Allan Edgar

JEFFREY WOODS,

Respondent.

ORDER ADOPTING AND APPROVING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On May 1, 2013, U.S. Magistrate Judge Greeley entered a Report and Recommendation ("R&R") recommending that Petitioner's habeas petition be dismissed with prejudice. Doc. No. 42. Petitioner has filed objections to the R&R. Doc. No. 43, 44. This Court is required to make a de novo determination of those portions of the R&R to which objections have been filed, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

In his objections, Petitioner asserts that Magistrate Judge Greeley incorrectly decided that Petitioner was not entitled to relief on his ineffective assistance of counsel claim. Petitioner argues that Magistrate Judge Greeley did not address his argument that his counsel was ineffective for failing to inform him of an entrapment defense. Magistrate Judge Greeley correctly found that Petitioner could not establish that the trial court's finding

that he received effective assistance of counsel was an unreasonable decision. Plaintiff's objection is without merit.

Petitioner's objections to the R&R [Doc. No. 43, 44] are DENIED. Magistrate Judge Greeley's R&R [Doc. No. 42] is APPROVED and ADOPTED as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. L. Civ. R. 72.3(b). The petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 is DENIED and DISMISSED WITH PREJUDICE.

If Petitioner files a notice of appeal, it will be treated as an application for a certificate of appealability which shall be DENIED pursuant to 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b)(1); and *Slack*, 529 U.S. at 484. Reasonable jurists could not find that this decision to dismiss Petitioner's claims is debatable or wrong.

A Judgment consistent with this Memorandum and Order will be entered.

SO ORDERED.

Dated: 9/23/2013

/s/ R. Allan Edgar
R. Allan Edgar
United States District Judge